

**STATE OF MICHIGAN
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION**

In the matter of:

Boundary Commission
Docket #97-AR-1

The proposed annexation of
territory in **Homer Township**
to the **City of Midland**.

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND ORDER

This matter of the proposed annexation of the following territory in Homer Township to the City of Midland is described as follows:

Beginning at the Southwest corner of Section 13, T14N, R1E; thence East along the South line of said Section 13, 297 feet; thence North 400 feet; thence East 363 feet; thence North to the East-West 1/4 line of Section 13; thence East 33 feet; thence North 1541 feet; thence West 693 feet to the Section line common to Sections 13 and 14, T14N, R1E; thence South along said common Section line to a point 451 feet North of the East 1/4 corner of Section 14; thence West 288.75 feet; thence South 451 feet; thence West 391.25 feet; thence South to the South 1/8 line of Section 14; thence East 20.3 feet; thence South to the South line of Section 14; thence East to the Point of Beginning, excepting property described as:

Part of the Southwest 1/4 of Section 13, T14N, R1E, and part of the Southeast 1/4 of Section 14, T14N, R1E, Midland County, Michigan, described as: Beginning at the Southwest corner of Section 13, T14N, R1E; thence East 297 feet, along the South line of said Section 13; thence North 400 feet; thence East 363 feet; thence North 330 feet; thence West 660 feet, to the West line of Section 13; thence South 70 feet along the Section line common to said Sections 13 and 14; thence West 260 feet; thence South 415 feet; thence East 260 feet, to the East line of Section 14; thence South 245 feet along said Section line, to the Point of Beginning; and excepting property described as:

A parcel of land being part of Sections 13 and 14, T14N, R1E, Midland County, Michigan, being described as: Beginning on the East-West 1/4 line of Section 13, T14N, R1E, Midland, County, Michigan, at the Southeast corner of Lot 26 of Hoffman Subdivision No. 1; thence North 1541 feet, along the East line of said Subdivision to the Northeast corner of Lot 37 in said Subdivision; thence West 230 feet, to the Northwest corner of Lot 38 of said Subdivision; thence South to the center line of Solomon Road; thence West along the center line of Solomon Road to the center line of Glen Road; thence South 510.09 feet along the center line of Glen Road; thence West 226.5 feet, to the Southwest corner of Lot 16 of said Subdivision; thence North 288 feet, to the

Northwest corner of Lot 14 of said Subdivision; thence East 97.50 feet, to the Southeast corner of Lot 12 of said Subdivision; thence North 222.04 feet, to the center line of Solomon Road; thence East 18 feet, along the center line of Solomon Road; thence North 230 feet, to the Northeast corner of Lot 40 of said Subdivision; thence West 448 feet, to the West line of Section 13; thence South 100 feet; thence East 233 feet, to the Northeast corner of Lot 41 of said Subdivision; thence South 165 feet, to the Northeast corner of Lot 11 of said Subdivision; thence West 233 feet, to the West line of Section 13; thence South 573 feet, along the West line of Section 13; thence East 233 feet, to the Southeast corner of Lot 6 of said Subdivision; thence South 192 feet, to the Southwest corner of Lot 19 of said Subdivision; thence East 228 feet, to the center line of Glen Road; thence South 192 feet, along the center line of Glen Road; thence West 229 feet, to the Southwest corner of Lot 21 of said Subdivision; thence South 126 feet, to the center line of Elmer Road; thence West 233 feet, to the West line of Section 13; thence North 70 feet, along the Section line common to Sections 13 and 14; thence West 288.75 feet; thence South 265 feet, to the East-West 1/4 line of said Sections 13 and 14; thence West 288.75 feet; thence South 265 feet, to the East-West 1/4 line of said Section 14; thence East along the East-West 1/4 line of Section 14 to a point 200 feet West of the East Section line of Section 14; thence South 150 feet; thence East 100 feet; thence South to a point 132.18 feet North of Prairie Creek; thence East 100 feet, to the East line of Section 14; thence North 219 feet, along the Section line common to Sections 13 and 14 to the East 1/4 corner of Section 14; thence East 371.25 feet, along the East-West 1/4 line of Section 13 to the Southeast corner of Lot 23 of Hoffman Subdivision No. 1; thence North 195 feet, to the center line of Elmer Road; thence East 107.25 feet, along the center line of Elmer Road; thence South 195 feet, to the East-West 1/4 line of said Section 13; thence East along the East-West 1/4 line to the Point of Beginning.

This matter came before State Boundary Commissioners VerBurg, Walker and Rutledge, and Midland County Commissioners Morris and Wolfgang for final adjudication in Lansing, on **March 5, 1998**. The Commission, being fully advised as to the positions of the respective parties, made its findings on said date.

SUMMARY OF PROCEEDINGS

- A.** On **April 9, 1997**, a petition was filed by the City of Midland asking for the annexation of a portion of Homer Township into the City of Midland.
- B.** On **July 24, 1997**, an adjudicative meeting of the State Boundary Commission was held in Lansing to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.

- C. On **October 22, 1997**, a public hearing was held in Homer Township to receive testimony given pursuant to Public Act 191 of 1968, as amended.
- D. On **March 5, 1998**, an adjudicative meeting of the State Boundary Commission was held in Lansing to reach a decision based on the information received and a decision was made.

INFORMATION TO BE NOTICED

- 1. The City of Midland stated that annexation of the property was desired because the area proposed for annexation is within the Midland Urban Growth Area (MUGA), and that an Urban Cooperation Act agreement between the City of Midland and Homer Township, dated January 4, 1995, states that land within the MUGA may be annexed to the City by petitioning the State Boundary Commission or by Mutual Resolution.
- 2. The Township supported the proposed annexation as part of the 1995 MUGA Agreement between the City of Midland and Homer Township.

THE COMMISSION FINDS THAT

- 1. Annexation of this property into the City is reasonable based on the general effect upon the entire community.
- 2. It is more practicable and economical for the City to provide and maintain urban type services in the area proposed for annexation.
- 3. Homer Township and the City of Midland agree that this property should be annexed to the City of Midland as part of their 1995 Urban Cooperation Act agreement.

IN CONCLUSION, THE COMMISSION FINDS THAT

- 1. The Commission has considered the information contained in the record of this docket in terms of the matters to be considered as stipulated under Section 9 of Public Act 191 of 1968, as amended.
- 2. On **March 5, 1998** at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg, Rutledge and Walker and Midland County Boundary Commissioners Morris and Wolfgang voted to recommend approval of the annexation to the Director of the Department of Consumer & Industry Services.

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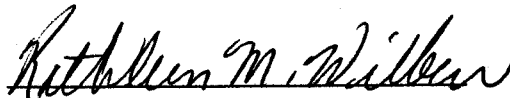
3. On April 9, 1998, at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg, Rutledge and Walker and Midland County Boundary Commissioners Morris and Wolfgang voted to recommend approval of the Draft Findings of Fact and Order, as amended, to the Director of the Department of Consumer & Industry Services.

ORDER

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IT IS ORDERED THAT this order **approving** the annexation of certain territory in Homer Township into the Home Rule City of Midland shall be final and effective **30 days after the date signed by the Director of the Department of Consumer & Industry Services.**

IT IS FURTHER ORDERED THAT the Executive Director shall forthwith transmit a certified copy of these Findings of Fact and Order to the petitioners and to the clerks of the City of Midland, Homer Township, and Midland County.



Kathleen M. Wilbur, Director

Michigan Department of Consumer & Industry Services

May 27, 1998
Date



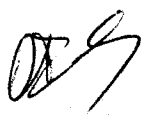
State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

MEMORANDUM

Date: May 6, 1998

To: Ron C. Jones, Director
Securities Examination/Property Development Division

From: Dennis Irwin-Stabenow, Executive Director
State Boundary Commission 

Subject: FFO for Docket #97-AR-1

General Background Information

The City of Midland and Homer Township entered into an agreement (Midland Urban Growth Area Agreement) in 1995 that included support by the Township and the City for the annexation of certain properties. The properties (71 acres) in this petition are included in this agreement. The primary purpose of the proposed annexation is for the provision of City water. The Commission expanded the area to include a small portion of M-20 right of way.

A mutual resolution between the City and the Township was not used because it requires support in the form of a petition from residents owning more than 50% of the property proposed for annexation and this did not occur.

The City of Midland and Homer Township requested that this Order be expedited to allow them to begin construction of water lines as soon as possible.